

AN ORDINANCE OF THE CITY OF DALHART, TEXAS PROVIDING THAT CHAPTER 15 ARTICLE II SEC. 15
OF THE CODE OF ORDINANCES, CITY OF DALHART, TEXAS BE AMENDED REGARDING JUNKED
VEHICLES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALHART, TEXAS:

Section 1: That the Code of Ordinances of the City of Dalhart, Texas be amended as follows:

Declaration of nuisance

- (a) A junked vehicle, including a part of a junked vehicle that is visible from a public place or public right-of-way:
 - (1) Is detrimental to the safety and welfare of the general public;
 - (2) Tends to reduce the value of private property;
 - (3) Invites vandalism;
 - (4) Creates a fire hazard;
 - (5) Is an attractive nuisance, creating a hazard to the health and safety of minors; and
 - (6) Is detrimental to the economic welfare of the city by producing urban blight which is adverse to the maintenance and continuing development of the city.
- (b) Such vehicles are hereby declared to be a public nuisance.
- (c) The governing body may adopt procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance, from private property, public property, or public rights-of-way. The procedures must conform to the requirements of this article.

Section 2. Definition

Junked vehicle. A vehicle that:

- (1) Is self-propelled; and
- (2) Is:
 - (A) Wrecked, dismantled or partially dismantled, or discarded; or
 - (B) Inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.

For purposes of this article, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This article applies only to:

- (1) A motor vehicle that displays an expired license plate or does not display a license plate;
- (2) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. part 47; or
- (3) A watercraft that:
 - (A) Does not have lawfully on board an unexpired certificate of number; and
 - (B) Is not a watercraft described by section 31.055, Parks and Wildlife Code.

Section 3. Abatement notice

- (a) Any such junked vehicle shall be removed from private or public property. Before such removal, a ten (10) day notice stating the nature of the public nuisance must be sent by certified mail with a five-day return requested to:
 - (1) The last known registered owner of the nuisance;
 - (2) Each lienholder of record of the nuisance; and
 - (3) The owner or occupant of:
 - (A) The property on which the nuisance is located; or
 - (B) [If] the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) The notice must state that any request for a hearing must be made before that 10-day period expires.
- (c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered.
- (d) If the notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

Section 4. Hearing

- (a) The governing body of the city or official designated by the governing body shall conduct hearings under the procedures adopted under this section.

- (b) If a hearing is requested by a person for whom notice is required under Section 3, the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- (c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (d) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's:
 - (1) Description;
 - (2) Vehicle identification number; and
 - (3) License plate number.

Section 5. Vehicle not to be reconstructed

After any such vehicle has been removed it shall not be reconstructed or made operable.

Section 6. Notice to state department of transportation

Notice shall be given to the state department of transportation within five (5) days after the date of removal identifying the vehicle or part thereof.

Section 7. Exceptions

- (a) This article shall not apply to a vehicle or vehicle part:
 - (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
 - (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - (A) Maintained in an orderly manner;
 - (B) Not a health hazard; and
 - (C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.
- (b) In this section:
 - (1) Antique vehicle means a passenger car or truck that is at least 25 years old.
 - (2) Motor vehicle collector means a person who:
 - (A) Owns one or more antique or special interest vehicles; and
 - (B) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.
 - (3) Special interest vehicle means a motor vehicle of any age that has not been changed from the original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Section 8. Disposal

- (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.
- (b) A municipality or county may operate a disposal [site] if its governing body determines that commercial disposition of junked vehicles is not available or is inadequate. A municipality or county may:
 - (1) Finally dispose of a junked vehicle or vehicle part; or
 - (2) Transfer it to another disposal site if the disposal is scrap or salvage only.

Section 9. Abatement, removal.

The procedure for abatement and removal of junked vehicles or parts thereof, as public nuisances, as defined in Texas Transportation Code §§ 683.071 to 683.078, as amended or in a successor statute, and for abatement and removal of antique or special interest vehicles stored in violation of this ordinance and otherwise meeting the definition of a junked vehicle, from private property, public property or public rights-of-way shall be as follows:

- (1) For a junked vehicle on private property, written notice of not less than ten (10) days must be given stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before the expiration of the ten-day period. Such written notice shall be mailed, by certified or registered mail with a five-day return requested, to the last registered owner of the junked motor vehicle and any lienholder of record and

to the owner or the occupant of the private Premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(2) For a junked vehicle on public property, written notice of not less than ten (10) days must be given stating the nature of the public nuisance on public property or on a Public Right-of-way and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of the ten-day period. Such notice shall be mailed, by certified or registered mail with a five-day return requested, to the last registered owner of the junked motor vehicle and any lien-holder of record and to the owner or the occupant of the public premises or to the owner or the occupant of the premises adjacent to the Public Right-of-way whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten (10) days from the date of such return.

(3) For a nuisance on private or public property, if the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner has been found, the notice may be hand delivered. The location where in-hand delivery of notice has been made shall be described on a duplicate copy of the notice along with the date and time by the person making such delivery.

(4) A request for a hearing in either (1) or (2) above shall be made in writing and delivered to the Clerk of the Municipal Court.

(5) A public hearing must be held prior to the removal of the vehicle or part thereof as a public nuisance, to be held before the Judge of the Municipal Court, when such a hearing is requested by the owner or occupant of the public or private Premises or by the owner or occupant of the Premises adjacent to the Public Right-of-way on which the vehicle is located, within ten (10) days after service of notice to abate the nuisance. Any order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

(6) At the hearing before the Municipal Court, it shall be presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable.

(7) Written notice must be given to the Texas Highway Department within five (5) days after the date of removal identifying the vehicle or part thereof.

(8) After a vehicle has been removed, it shall not be reconstructed or made operable.

(9) The procedure for abatement and removal of a public nuisance shall be accomplished by the regularly salaried, full-time employees of the City, except that the removal of a vehicle or parts thereof from private property, public property or Public Rights-of-way may be by any other duly authorized person under direction of the City.

Section 10. Authority to enforce

Any person authorized by the city to administer the provisions of this article may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, to obtain information as to the identity of vehicles and to remove or cause removal of any such vehicle or part thereof declared to be a nuisance pursuant to this article. The municipal court of the city shall have authority to issue all orders necessary to enforce this article.

Section 14. Penalties

A person commits an offense if the person maintains a junked vehicle, as defined by Section 2 of this Ordinance, within the city limits of the City of Dalhart, Texas and shall upon conviction thereof be punished by a fine not to exceed \$200.00.

The Municipal Court of the City of Dalhart, Texas shall order abatement and removal of the junked vehicle upon conviction of any person who violates Section 2 of this Ordinance.

